IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE R.SUBHASH REDDY

WRIT PETITION NO. 8907 OF 1999

Dated: 5th July, 2006

Between:

Nirmala Vidya Mandir,
Sanejevaiah Nagar,
Nalgonda

Petitioner

AND

State of Andhra Pradesh Represented by
its Secretary to Government,
Education Department, Secretariat,
Saifabad, Hyderabad and four others Regional Manager,

Respondents

ORAL ORDER:

This writ petition is filed by the Private Aided High School, seeking a direction by way of mandamus to

declare the action of the respondent in not permitting the petitioner to fill up existing vacancy of Hindi Pandit Grade – I in the petitioner school, as illegal and arbitrary and to set aside Memo No.S5 1491/415/SMPC/98 dated 5.8.1998, issued by the Government.

Basing on G.O. Ms. No. 275 Finance and Planning (FW.SMPC) Department, dated 14.12.1995, Memo dated 5.8.1998 is issued imposing restrictions on appointments in aided schools also, which did not obtain clearance from the Finance Wing of the Finance and Planning Department, Government of A.P.

When the petitioner is not permitted to proceed with the appointment basing on the memo referred above, the petitioner has questioned the same in this writ petition. At the stage of admission, this court, by order dated 26.4.1999 granted liberty to the petitioner to proceed with the selection without reference to the procedure in G.O. Ms. No. 275 dated 14.12.1995.

Though the writ petition is of the year 1995, no counter affidavit is filed so far.

However, it is submitted by the learned counsel for the petitioner that Memo No. S5.1491/415/SMPC/98 dated 5.8.1998 came to be questioned in batch of writ petitions, which were allowed by this court, and Writ

Appeal filed by the State in Writ Appeal No. 1625 of 1999 was also dismissed by the Division Bench of this Court, confirming the order passed by the learned Single Judge.

In view of the same, in the light of the judgment referred above, impugned memo No.S5/1491/415/SMPC/98, dated 5.8.1998 is set aside.

The writ petition is allowed. No order as to costs.

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R.Subhash Reddy, J.

July 5, 2006
MAS/Msnr